

REMARKS

Priority:

The Examiner has granted priority of the currently examined claims to November 7, 2001 because support for the claims could not be found in the priority specifications. Applicants have amended the claims such that support in the priority references is made clear.

Claim 1 has been amended to recite: "A process for delivering a RNA into a cell of a mammal to block the production of a protein." The amendment is made to use language from the original application from which priority is claimed. Support for the amendment may be found in issued Patent No. 6,265,387, which is a direct Continuation of priority application Ser. No. 08/571,536. Support for delivering RNA may be found in claim 3 and the specification. Support for blocking the production of a protein may be found in column 3, lines 44-45.

Applicants believe their amendments reciting the exact terminology and technology from the priority patent should obviate the Examiner's priority rejection.

Rejection under 35USC112:

On the bottom of page 4 the Action states that claims 1, 3-9 and 13-16 are rejected for being indefinite.

Applicants have amended or canceled the claims reciting the term "the naked polynucleotide" to obviate the rejection.

Rejections under 35USC102:

Claims 1, 3-6, 8, 13-15 have been rejected under §102(b) as being anticipated by Kumasaka *et al.*

Claims 1, 3-6, 8, 13-16 have been rejected under §102(b) as being anticipated by Graham *et al.*

Claims 1, 3, 4-5, 7, 9, and 13-15 have been rejected under 102(c) as being anticipated by Kay et al.

Applicants have amended the claims to recite exact terminology from their original priority patent application. Therefore, Applicants submit that the cited prior art is no longer prior and should be removed as references.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 1, 3-8 and 14-16 should be allowable.

Respectfully submitted,

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I hereby certify that this correspondence is being sent by web-based transmission to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on this date: 9/28/07.

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